

Application No.: 10/782,432
Amendment Dated: August 21, 2006
Reply to Office Action Dated: May 19, 2006

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REMARKS

This is responsive to the Office Action dated May 19, 2006. Since August 19, 2006 was a Saturday, and August 20, 2006 was a Sunday, this paper, and any accompanying papers, are timely filed on Monday, August 21, 2006.

Claims 1 through 5 and 7 through 9 are pending in the present application. Claim 4 has been amended to correct an inadvertent typographical error therein. In light of the restriction requirement dated April 7, 2006, claims 6 and 10 through 17 have been cancelled. Applicant reserves the right to file at a later date a divisional application to one or more of the cancelled claims. As such, entry and consideration of the amendments to the claims, is believed due and is respectfully requested.

I. The 35 U.S.C. § 102(b) Rejection and the Related Interview with the Examiner:

The undersigned would like to thank the Examiner for participating in a phone interview on August 17, 2006. As discussed in the interview, claims 1 through 5 and 7 through 9 have been rejected under 35 U.S.C. § 102(b) over an article by Zhou entitled Liquid Rubber: Synthesis and Application (hereinafter the "Zhou Article"). The author of the Zhou Article is the same as one of the co-inventors of the present patent application.

Initially, the Examiner's attention is drawn to the fact that the present patent application is a continuation-in-part application of U.S. Non-Provisional Patent Application No. 10/634,534, which is itself a non-provisional application of U.S. Provisional Patent Application No. 60/401,185. In light of this, the undersigned attorney has attached a copy of the claims as originally filed in U.S. Provisional Patent Application No. 60/401,185 (see Exhibit A as attached hereto), and the claims as originally filed in the present case (U.S. Patent Application No. 10/634,534 – see Exhibit B as attached hereto). Given that the Examiner can confirm the originality of the attached documents, these documents are being provided in a non-certified manner.

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In light of the fact that presently pending claims 1 through 5 and 7 through 9 are identical to the same claims filed in U.S. Provisional Patent Application No. 60/401,185, the present application has a effective priority date of August 5, 2002. As such, the Zhou Article, which has a publication date of April 11, 2002, is not properly citable as art under 35 U.S.C. § 102(b). This is because the publication date of the Zhou Article is within one year of the effective priority date of the present patent application.

Taking into consideration the above, the Zhou Article is not properly citable as art against the present patent application. Accordingly, withdrawal of the pending novelty rejection based on the Zhou Article is believed to be due and is respectfully requested.

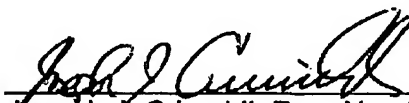
II. Conclusion

Accordingly reconsideration and withdrawal of the novelty rejections of claims 1 through 5 and 7 through 9 is respectfully requested.

For at least the foregoing reasons, the present application is believed to be in condition for allowance, and a Notice of Allowance is respectfully requested.

Should the Examiner wish to discuss any of the foregoing in more detail, the undersigned attorney would welcome a telephone call.

Respectfully submitted,



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